

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

-----In the Matter of-----)
PUBLIC UTILITIES COMMISSION)
Instituting a Proceeding to)
Investigate the Issues and)
Requirements Raised by, and)
Contained in, Hawaii's Public)
Benefits Fund, Part VII of)
Chapter 269, Hawaii Revised)
Statutes)

DOCKET NO. 2007-0323

ORDER DENYING THE HECO COMPANIES' MOTION FOR
CLARIFICATION AND/OR PARTIAL RECONSIDERATION

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DIV. OF CONSUMER ADVOCACY
DEPT. OF COMMERCE AND
CONSUMER AFFAIRS
STATE OF HAWAII

PUBLIC UTILITIES
COMMISSION

2009 JAN -8 P 12:16

FILED

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Docket No. 2007-0323

ORDER DENYING THE HECO COMPANIES' MOTION FOR
CLARIFICATION AND/OR PARTIAL RECONSIDERATION

By this Order, the commission denies the Motion for Clarification and/or Partial Reconsideration of Order Setting the Public Benefits Fee Surcharge for 2009 ("Surcharge Order") of Hawaiian Electric Company, Inc., Hawaii Electric Light Company, Inc., and Maui Electric Company, Limited ("HECO Companies"), filed on December 29, 2008 ("Motion").

I.

Motion

In their Motion, the HECO Companies request:

- (1) Reconsideration of the section of the Order that states "[t]he HECO Companies shall not exceed a monthly budget in any energy efficiency program (i.e., CIEE, CINC, CICR, REWH, RNC, RLI, and ESH) without prior approval of the Commission." The HECO Companies request that the Commission approve seven-month program budgets for the HECO Companies' energy efficiency programs and allow the HECO Companies to manage the programs to these total budgets instead of

managing the budgets on a monthly basis. The HECO Companies also request that the Commission affirm that the HECO Companies may request increases in their energy efficiency program budgets in accordance with Order No. 23861 issued November 30, 2007 in Docket No. 2007-0341;

- (2) Clarification of the budgets for the Companies to operate their energy efficiency programs for the period of January 1, 2009 through July 31, 2009. As stated above, the HECO Companies request that the Commission approve seven-month program budgets in the HECO Companies' energy efficiency programs; and
- (3) Clarification of whether the entire Public Benefits Fund ("PBF") is intended to be used for third-party administered energy efficiency programs in accordance with the Energy Agreement among the State of Hawaii, Division of Consumer Advocacy of the Department of Commerce and Consumer Affairs, and Hawaiian Electric Companies executed on October 20, 2008 ("Energy Agreement") or whether it will be used to fund both energy efficiency programs and the Companies' load management and pilot programs following the transition. HECO requests that the Commission identify that the PBF is intended to be used for third-party administered energy efficiency programs only following the transition.

Motion at 2-3.

Having reviewed the Motion, the commission finds no basis for reconsideration or clarification, pursuant to Hawaii Administrative Rule § 6-61-137,¹ and accordingly denies the Motion.

¹HAR § 6-61-137 states:

§6-61-137 Motion for reconsideration or rehearing. A motion seeking any change in a decision, order, or requirement of the commission should clearly specify whether the prayer is for reconsideration, rehearing, further hearing, or modification, suspension, vacation, or a combination thereof. The motion shall be filed

With respect to the issue of monthly budgets, the commission finds it necessary, given the transition and the companies' past performance, to require that the companies obtain commission approval prior to exceeding a monthly budget. The companies, however, are able to set the monthly budgets for each program,² and may defer payment to the following month.

The HECO Companies also "request that the Commission affirm that the HECO Companies may request increases in [their] energy efficiency program budgets, if necessary due to greater customer participation, in accordance with Order No. 23861."³ As the issue of budget increases was not a subject of the Surcharge Order, it is not the proper subject of a reconsideration or clarification motion.

Likewise, the HECO Companies' request that the commission clarify that the "PBF is intended to be used for third-party administered energy efficiency programs only following the transition"⁴ is not the proper subject of a reconsideration or clarification motion. The commission,

within ten days after the decision or order is served upon the party, setting forth specifically the grounds on which the movant considers the decision or order unreasonable, unlawful, or erroneous.

HAR § 6-61-137 (emphasis added).

²In allowing the HECO Companies to determine the monthly budgets for their energy efficiency DSM programs, the commission did not require an equal monthly division of the budgets (i.e., 1/7 per month).

³Motion, at 7.

⁴Motion, at 8.

however, reiterates, as set forth in the Surcharge Order, that the HECO Companies shall collect revenue equal to 1% of the projected total electric revenue of the HECO Companies, plus revenue taxes, of which 60% shall be collected via the DSM surcharge and 40% via the PBF surcharge. Through the DSM surcharge, HECO may collect for 2009 "the 60% prorated amounts for its energy efficiency DSM programs (i.e., CIEE, CINC, CICR, REWH, RNC, RLI, and ESH programs) and the full budgeted amounts for its SSP, RDLC and CIDLC programs exclusive of the amounts included in base rates."⁵

II.

Order


THE COMMISSION ORDERS:

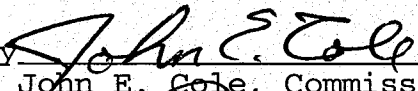
The Motion for Clarification and/or Partial Reconsideration of Order Setting the Public Benefits Fee Surcharge for 2009 of Hawaiian Electric Company, Inc., Hawaii Electric Light Company, Inc., and Maui Electric Company, Limited, filed on December 29, 2008, is denied.

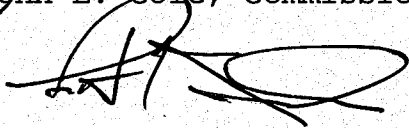
⁵Surcharge Order, at 8 n.12.

DONE at Honolulu, Hawaii JAN - 8 2009.

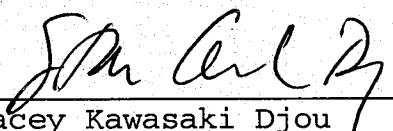
PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By 
Carlito P. Caliboso, Chairman

By 
John E. Cole, Commissioner

By 
Leslie H. Kondo, Commissioner

APPROVED AS TO FORM:


Stacey Kawasaki Djou
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2007-0323.cp

CERTIFICATE OF SERVICE

The foregoing order was served on the date of filing by mail, postage prepaid, and properly addressed to the following parties:

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Certificate of Service

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